

SECOND REGULAR SESSION

# HOUSE BILL NO. 1686

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LOWE, RIBACK WILSON (25), HARDING, KELLEY (47),  
CURLS (Co-sponsors), JOHNSON (61), LEGAN, ENZ, HILGEMANN, COPENHAVER,  
FARNEN AND KELLY (27).

Read 1<sup>st</sup> time January 29, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4037L.01I

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### AN ACT

To repeal sections 577.001 and 577.049, RSMo, and to enact in lieu thereof three new sections relating to boating while intoxicated.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 577.001 and 577.049, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 306.230, 577.001, and 577.049, to read as  
3 follows:

**306.230. 1. Upon a plea of guilty or a finding of guilty for an offense of violating  
2 the provisions of section 306.110, 306.111, 306.112, or section 577.010 or 577.012, RSMo,  
3 or violations of county or municipal ordinances involving alcohol or drug related boating  
4 or traffic offenses, the court shall order the person to participate in and successfully  
5 complete a substance abuse traffic offender program defined in section 577.001, RSMo.**

**6 2. The fees for the substance abuse traffic offender program, or a portion thereof,  
7 to be determined by the division of alcohol and drug abuse of the department of mental  
8 health, shall be paid by the person enrolling in the program. Any person who attends the  
9 program shall pay, in addition to any fee charged for the program, a supplemental fee of  
10 sixty dollars. The administrator of the program shall remit to the division of alcohol and  
11 drug abuse the supplemental fees for all persons enrolled in the program, less two percent  
12 for administrative costs. The supplemental fees received by the department of mental  
13 health pursuant to this section shall be deposited in the mental health earnings fund which  
14 is established in section 630.053, RSMo.**

577.001. 1. As used in this chapter, the term "drive", "driving", "operates" or "operating"  
2 means physically driving or operating a motor vehicle.

3           2. As used in this chapter, a person is in an "intoxicated condition" when he is under the  
4 influence of alcohol, a controlled substance, or drug, or any combination thereof.

5           3. As used in this chapter, the term "law enforcement officer" or "arresting officer"  
6 includes the definition of law enforcement officer in subdivision (17) of section 556.061, RSMo,  
7 and military policemen conducting traffic enforcement operations on a federal military  
8 installation under military jurisdiction in the state of Missouri.

9           4. As used in this chapter, "substance abuse traffic offender program" means a program  
10 certified by the division of alcohol and drug abuse of the department of mental health to provide  
11 education or rehabilitation services pursuant to a professional assessment screening to identify  
12 the individual needs of the person who has been referred to the program as the result of an  
13 alcohol or drug related **boating or** traffic offense. Successful completion of such a program  
14 includes participation in any education or rehabilitation program required to meet the needs  
15 identified in the assessment screening. The assignment recommendations based upon such  
16 assessment shall be subject to judicial review as provided in subsection 7 of section 577.041.

577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the  
2 provisions of section **306.110, 306.111, 306.112, RSMo, or section 577.010 or 577.012** or  
3 violations of county or municipal ordinances involving alcohol or drug related **boating or** traffic  
4 offenses, the court shall order the person to participate in and successfully complete a substance  
5 abuse traffic offender program defined in section 577.001.

6           2. The fees for the substance abuse traffic offender program, or a portion thereof, to be  
7 determined by the division of alcohol and drug abuse of the department of mental health, shall  
8 be paid by the person enrolling in the program. Any person who attends the program shall pay,  
9 in addition to any fee charged for the program, a supplemental fee of sixty dollars. The  
10 administrator of the program shall remit to the division of alcohol and drug abuse of the  
11 department of mental health the supplemental fees for all persons enrolled in the program, less  
12 two percent for administrative costs. The supplemental fees received by the department of  
13 mental health pursuant to this section shall be deposited in the mental health earnings fund which  
14 is created in section 630.053, RSMo.